

recording the at least one reduced length audio data to a portable storage medium,
therefore allowing for later playback.

17. (Original) The method of claim 16, wherein said plurality of audio data is selected in accordance with one or more user preferences.

18. (Original) The method of claim 16, wherein said designated time span is designated by a user.

19. (Currently Amended) A base unit for downloading audio data; comprising:
an input port for receiving user preference data and user designated time span data;
a transmission device for forwarding said user preference data and said user designated time span data to a remote storage unit;
a receiver for receiving determined audio data from said remote storage device selected and in accordance with said user preference data and said user designated time span data; and
an output ~~port~~ for outputting said received audio data to a portable storage device,
thereby allowing for future playback.

20. (Currently Amended) The base unit of claim 19, wherein said received audio data is output to a portable storage device at a remote device.

REMARKS

In light of the above amendments and following remarks, entry of the above amendments and reconsideration and allowance of this application are respectfully requested.

At paragraph 3 of the outstanding office action the Examiner has objected to claims 2 and 7 as including the limitation “linger.” As suggested by the Examiner, applicants have amended these claims to recite “longer” instead. Applicant therefore requests that the objection to these claims on this ground be withdrawn.

At paragraph 4 the Examiner has rejected claims 1-20 under 35 USC 102(e) as being anticipated by Sato et al. (US Patent Application Publication Number 2003/0114968), the Examiner providing specific grounds of rejection for independent claims 1, 16 and 19. Applicant respectfully traverses the rejection.

The US filing date of Sato et al. is December 9, 2002, well after the December 20, 2001 US filing date of the pending application. Applicant submits that Sato et al. is therefore not proper prior art to the present application. Applicant requests that the rejection of the claims over Sato et al. be withdrawn.

At paragraph 5 of the outstanding office action the Examiner has rejected claims 1-20 under 35 USC 102(e) as being anticipated by Zimmerman et al. (US Patent Application Publication 2003/0063407). Applicants respectfully traverse the rejection.

Paragraphs 35 and 37 of Zimmerman relied upon by the Examiner describe a live playback situation where a user indicates a reduced playback time available. In response, a threshold level for playback of video segments is raised, and only certain segments are replayed, thus effectively cutting out some of the segments. The disclosure of Zimmerman differs from the claimed invention in at least two ways. First, Zimmerman describes a live system, requiring active participation for the hardware. In contrast, independent claim 1, 16 and 19 of the present invention make a determination of data to be replayed, and then store this data to a portable recording medium. While in the claimed invention a user is not permitted to indicate on the fly that a reduced amount of time is available for playback, thus being stuck with a fixed playback of information, no particular special hardware is required once the data has been recorded. Thus, for example, once data has been selected, it may be burned to a CD ROM or the like. This CD ROM may be loaded into a conventional CD player in a user's car, or into a portable device. The data may also be loaded to an MP3 player or other data storage and playback device. In

each case, however, the playback of the data is predetermined based on user preferences, thus allowing for a simple playback method and associated hardware.

Additionally, Zimmerman reduces playback time by removing various portions of the data to be played back. In contrast, the present invention reduces the time allotted for various played back data rather than deleting various segments. While clear in the independent claims, this concept is further developed in, for example, claim 5, which recites “wherein the length of said at least one of said audio data is reduced by substituting a summary audio data for said audio data.” Therefore, rather than reducing playback time by eliminating some of the data to be played back as in Zimmerman, the claimed invention substitutes a different audio program covering the same material. This fundamental difference is noted with respect to the David Letterman example depicted in Zimmerman at paragraph 44. While it is possible to remove portion of the show for playback, it would be silly to suggest that a summary of the program be provided. In contrast, as a news program can be of any length, the present invention allows for the modification of the actual stories to be presented. Rather than simple picking and choosing content to be included or left out, the present invention allows for the modification of the content of the actual data to be provided to the user.

Because each of the independent claims includes the features noted above, Applicant respectfully requests that the rejection of claims 1, 16 and 19, as well as claims 2-15, 17, 18 and 20 which depend either directly or indirectly therefrom, be withdrawn.



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CONCLUSION

Applicants have made a diligent effort to place claims 1-20 are in condition for allowance, and notice to this effect is earnestly solicited. If the Examiner is unable to issue a Notice of Allowance regarding these claims, the Examiner is requested to contact the undersigned attorney in order to discuss any further outstanding issues.

Early and favorable consideration are respectfully requested.

Respectfully submitted,

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By